

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

KRISTOPHER R. MAJORS, and)
CARIE MAJORS,)
)
Plaintiffs,)
) Case No. 4:12-cv-58
v.)
) Judge Mattice
STATE AUTO INSURANCE COMPANY,)
and CITIMORTGAGE, INC.,)
)
Defendants.)

ORDER

On June 28, 2013, the Court ordered Plaintiffs to show cause “as to why Citimortgage, Inc. should not be dismissed from this action without prejudice” based on Plaintiff’s failure to effect service on Citimortgage, Inc. pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 19). Plaintiffs responded to the Court’s Order, stating, “[C]ircumstances in this case do not require at the time the act of participation of Citimortgage, Inc. As a results, plaintiffs have no objection to Citimortgage, Inc. being dismissed without prejudice.” (Doc. 20). The remaining Defendant, State Auto Insurance Company, did not respond to, or otherwise object to the dismissal of Citimortgage, Inc. from this action.

The Court finds that just terms dictate that all claims against Defendant Citimortgage, Inc. be **DISMISSED WITHOUT PREJUDICE** and that Defendant Citimortgage, Inc. should thus be **DISMISSED** as a party to this litigation. *See Fed. R. Civ. P. 21 (“On motion or on its own, the court may, at any time, on just terms, add or drop a party.”).*

SO ORDERED this 21st day of October, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE